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Community Relations Plan
for
J.C. Pennco Waste Oil Service

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**COMMUNITY RELATIONS PLAN
for the
J.C. PENNCO
WASTE OIL RECYCLING
STATE SUPERFUND SITE
BEXAR COUNTY, TEXAS**

November 1999

**Texas Natural Resource Conservation Commission
Remediation Division
Office of Permitting Remediation and Registration
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COMMUNITY RELATIONS PLAN

for

J.C. Pennco Waste Oil Recycling
State Superfund Site
Bexar County, Texas

November 1999

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COMMUNITY RELATIONS PLAN
for
J. C. Pennco State Superfund Site
4927 Higdon Road, San Antonio, Texas

November 1999

Overview of Community Relations Plan

This community relations plan (CRP) attempts to identify issues of community concern regarding the J.C. Pennco State Superfund Site, located at 4927 Higdon Road in San Antonio, Texas. It also outlines the anticipated community relations activities to be conducted during each phase of the cleanup at the J.C. Pennco site.

The J.C. Pennco community relations plan has been prepared to aid the Texas Natural Resource Conservation Commission (TNRCC) in developing a community relations program tailored to the needs of the community affected by the J.C. Pennco site. The TNRCC will conduct community relations activities to ensure that the local public has input regarding decisions and access to information about Superfund activities at the J. C. Pennco site.

The information in this plan is based primarily on the Hazard Ranking System (HRS) package. This plan will be updated periodically during the course of the cleanup.

Site Profile

Latitude/Longitude: 29E19'15" N, 98E23'30" W

Site Location and Description:

The J.C. Pennco State Superfund site is located at 4927 Higdon Road, approximately 0.25 miles east of the intersection of Higdon Road and South W.W. White Road. The site is on the north side of Higdon Road in San Antonio, Texas.

The J.C. Pennco State Superfund site is an abandoned used drum and waste oil recycling facility that occupies 5 acres. The property was purchased on May 10, 1984 and in operation from 1984 until April 23, 1992. During its eight years in operation, the site received an unknown quantity of used barrels and various chemicals, including used oil, antifreeze, and solvents. Most of the oil and other chemicals were sold to recyclers. The drums were sold for use as animal feeders, trash barrels, and barbecue pits. Pollution at the site resulted from spills and discharges from the oil storage tanks and from the barrel cleaning activities.

In 1991, TNRCC investigators discovered that the same types of solvents spilled on the ground at the J. C. Pennco site were present in one of the nearby residential water wells. Contaminants of concern associated with the site include chlorinated and non-chlorinated solvents, metals, polycyclic aromatic hydrocarbons (PAHs), and total petroleum hydrocarbon (TPH). In May 1992, the owner filed bankruptcy and abandoned the site. In 1994, the TNRCC fenced the site and began providing bottled water to residents whose wells had been contaminated. During 1995 and 1996, in cooperation with the TNRCC and the San Antonio Water System, the U.S. Environmental Protection Agency (EPA) extended city water lines into the area.

Additionally, the EPA removed approximately 4,000 drums, 120 cubic yards of soil and debris, 31,500 gallons of liquid wastes, and 23 tanks from the site to eliminate potential sources of surface and groundwater contamination. In November 1996, the EPA referred the J.C. Pennco site back to the state for possible further remedial action.

The Hazard Ranking System (HRS) is the principal screening tool used by the TNRCC to evaluate risks

to public health and the environment associated with abandoned or uncontrolled waste sites. The HRS is used to calculate a score based on a formula that is the primary factor in deciding if a site should be on the state Superfund registry. The J.C. Pennco site scored 42.68 and became a state superfund site on August 28, 1997.

Background and Operating History

A copy of the complete Background/Operating History, is outlined in the July 1994 Hazard Ranking Assessment. Highlights of that report are included in this section.

The J.C. Pennco Company began operations as a waste oil recycling and drum recycling facility in 1984. The facility was owned and operated by Mr. John C. Pennington.

On February 25, 1985, the District 8 Field Office of the Texas Department of Water Resources (TDWR), predecessor agency to the TNRCC, received a complaint alleging that the facility was receiving hazardous waste. Another complaint was received the same day regarding two dead Hereford cattle adjacent to the J.C. Pennco site. Autopsies were performed on the cattle. According to the veterinarian that performed the autopsies, internal hemorrhaging caused by ingestion of oil was the cause of death.

On February 25, 1985, TDWR District 8 field investigators inspected the J.C. Pennco site. Samples were collected from three different surface storage tanks to determine if hazardous wastes were present. Wastes generated during blending were burned, drummed or discharged to the ground on site.

From May 24, 1985 until February 13, 1987, various actions were taken by the District 8 office, while pursuing enforcement against J.C. Pennco. A February 13, 1987 memo from Jim Martin in the District 8 Solid Waste office indicated that the site “showed substantial overall improvement over previous inspections.” At this time all enforcement action against J. C. Pennco was terminated by the TWDR central office, for reasons unknown to the District 8 office.

On December 19, 1990, a tank removal was performed by the Pennco Company at Commercial Meat Market. Approximately 14,000 gallons of contaminated waste water from the removal was discharged onto wood mulch piles at the site by the Pennco Company.

From May 7, 1991 through June 1991 multiple attempts were made by District 8 personnel to visit the site

and to contact Mr. Pennington. The attempts were unsuccessful.

On June 5, 1991, a citizen complaint was received about the site. Mr. Pennington was not available, but because of indications of the threat of imminent discharge, the District inspected the site. Samples were collected and analyzed. On June 10, 1991, two water wells near the site were sampled and analyzed.

On June 27, 1991, District 8 representatives and Mr. Pennington conducted a solid waste inspection at the site. During the inspection it was determined that approximately 70,800 gallons of waste oil, 18,000 gallons of diesel fuel, 1,500 gallons of used brake fluid, and 2,000 gallons of ethylene glycol in 17 different tanks were stored on site. It was estimated that 7,000 drums were stored throughout the facility. Since the June 5, 1991 investigation, Mr. Pennington had sold or removed drums and had covered many areas of contamination that had been photographed during the complaint investigation. Areas of contamination had been pushed into a waste pile against the property fence line or were covered with fresh limestone base material. Very little, if any, contaminated soils or wastes were placed in drums for proper disposal. During the inspection, non-registered aboveground storage tanks were discovered at the site.

On August 16, 1991, a Facts Meeting was held in Austin between representatives of the TWC and Pennco. An Executive Director's Preliminary Report to the Commission was prepared recommending penalties in the amount of \$88,800 for violations described in the report.

In an August 20, 1991 letter, Anne C. Dobbs, Hazardous and Solid Waste Division, TWC, sent Mr. Courtney Pennington a Notice of Solid Waste Violations and Requirements for Emergency Actions.

On January 7, 1992, a Notice of Violation was sent to Alamo Drum Company concerning violations noted in the June 27, 1991 inspection. In response to the alleged violations, the TWC instituted enforcement action against Alamo Drum Company.

In a February 24, 1992 letter, Don Lindsey, Alamo Drum Company, responded to the TWC stating that his company was in the process of removing the drums it had formerly stored the Higdon Road site.

On April 7, 1992, a letter was mailed to J.C. Pennco and Alamo Drum Company outlining the commission report and administrative hearing scheduled for May 20, 1992. J.C. Pennco did not consent to the penalty. The response included that Pennington had ceased operation of his business and had required his tenants to cease their operations as of April 23, 1992. On May 20, 1992, J.C. Pennco filed for bankruptcy. Alamo Drum reported to have removed all their drums from the site on May 29, 1992.

In the ensuing bankruptcy proceedings, the Attorney General's Office requested three cost estimates for cleanup at the site. On October 14, 1992, the TWC provided the estimates of the potential costs of remediating the site. In an October 21, 1992 letter to Anne Dobbs, Manager, Enforcement Section, TWC, Thomas H. Edwards, Assistant Attorney General, recommended J.C. Pennco Waste Oil Service case be transferred to State Superfund.

On March 1 and 4, 1993, site visits were conducted by the TWC. On March 21, 1994, an Immediate Removal Action was initiated at the site. A fence was constructed around the site to provide site security, leaking drums were stabilized, covers over holes in tanks were constructed, and warning signs were provided.

In March 1994, immediate removal was initiated by the TNRCC. In February 1995, the TNRCC requested that EPA Region 6 conduct an emergency response action at the site. From May 1995 through May 1996, the EPA connected residents with affected wells to the San Antonio Water System. During the same time period, drums, tanks, waste and limited amounts of contaminated soil were removed from the site.

The Hazard Ranking System Assessment for the J.C. Pennco site was completed in July 1994.

On August 22, 1997 the Texas Natural Resource Conservation Commission (TNRCC), successor agency to the TWC, sent Potential Responsible Party (PRP) notification and request for Good Faith Offer letters to 280 PRPs.

On August 26, 1997 the TNRCC published notice in the Texas Register that the J.C. Pennco site was being proposed for listing on the superfund registry. On August 28, 1997 the notice was published in the *San Antonio Express-News*.

On October 9, 1997, the TNRCC held a public meeting in San Antonio to announce TNRCC intentions to propose the J.C. Pennco site to the State Superfund Registry.

In March 1999, the TNRCC sent water well survey questionnaires to residents and businesses in the immediate vicinity of the site to determine who had water wells, the depth and construction of the well, and whether water from the well is being utilized.

Community Profile

The J.C. Pennco State Superfund site is located at 4927 Higdon Road, approximately .25 miles east of the intersection of Higdon Road and South W.W. White Road. The site is on the north side of Higdon Road in San Antonio, Bexar County, Texas. Located on the southeast fringe of the city limits, the site is in a rural area with some moderately populated pockets within one-half mile.

The 1998-99 Texas Almanac lists the population of San Antonio as 1,079,207 and all of Bexar County as 1,309,550.

According to the E.P.A. Geographic Query System, a general representation of the population within the one mile of the site is as follows:

Total Population = 1580

Household Units = 710

National			
Summary Comparison			
Population By Origin:	Total	Stats	50 States/D.C.
-----	-----	-----	-----
White =	1022	64.7%	75.6%
Black =	35	2.2%	11.8%
AmInd/Esk/Ale =	6	0.4%	0.7%
Asian/PacIsnd =	3	0.2%	2.8%
Other =	0	0%	0.1%
Hispanic =	514	32.5%	9.0%

Total People of Color= 558 35.3% 24.4%

Average Pop Density per sq mi = 502 (Centroids/Distance Radius Area)

San Antonio is a governmental center with a large federal payroll. Tourism is the second largest industry. Other major businesses include a research center, fourteen colleges and a developing high-tech industrial

park. Livestock production and varied agriculture activities are also commercial interests in Bexar County.

Community Involvement and Concerns

The TNRCC held a public meeting on October 9, 1997 at the Salado Intermediate School Cafetorium, regarding the proposed listing of the J.C. Pennco facility on the State Superfund Registry. Ninety-three people signed the public registration card for the October 1997 public meeting.

Citizens that were named as potentially responsible parties expressed concern regarding their liability for the cleanup.

Specific Objectives of the Community Relations Program

- A. Maintain open communications between the Texas Natural Resource Conservation Commission, Bexar County, City of San Antonio, State elected officials and concerned citizens.
- B. Continue to expand the mailing list to include additional agencies, organizations, and residents that are interested in the project.
- C. Provide a central information contact from whom interested parties can receive information on site activities, project status, and study results.
- D. Provide citizens, involved agencies, elected officials, and the media with accurate, timely information concerning the scope, progress, and findings of site-related activities by issuing press releases and conducting community meetings.
- E. Brief field teams on community relations issues before performing on-site investigations.
- F. Provide all information, especially technical findings, in a language that is understandable to the

general public and in a form useful to interested citizens and elected officials through the preparation of fact sheets and news releases, when major findings become available during project phases.

G. Monitor community concerns and information requirements as the project progresses by monitoring the community response to news releases and community meetings.

H. Modify the community relations plan as changes in community attitudes and needs occur and maintain accuracy during different project phases.

Community Relations Techniques

- A. Project Mailing List - To provide the means through which press releases, project status reports and other significant communications can be distributed to concerned groups and individuals.
- B. Public Consultations - Conduct informal meetings (if needed) with residents. To provide an opportunity for affected residents to express any concerns and to make inquiries to insure effective two-way communication.
- C. Program Document Repositories - To maintain easily accessible repositories through which the public may review project outputs. The public will be periodically informed of the availability of project documents and the location of repositories via techniques A through D.
- D. State Superfund Status Reports - Progress of activities at the J.C. Pennco site is regularly posted to the TNRCC Superfund web site at: <http://www.tnrcc.state.tx.us/permitting/remed/superfund>
- E. Revise CRP - To reflect changes in site activities or local concerns. After the Proposed Remedial Action Document (PRAD) has been issued, the CRP will be revised to address implementation of the selected remedial action alternative.

Area Elected Officials

United States

The Honorable Ciro D. Rodriguez
U.S. Representative
323 Cannon House Office Building
Washington, D.C. 20515

State

The Honorable Frank L. Madla
Texas Senate
1313 SE Military Drive Suite 101
San Antonio, Texas 78214
(210)927-9464

The Honorable Carlos Uresti
Texas Representative
1114 SW Military Drive #103
San Antonio, Texas 78221
(210)932-2568

County

The Honorable Cyndi Krier
Bexar County Judge
County Courthouse
San Antonio, Texas 78205
210/335-2626

The Honorable Tommy Adkisson
Bexar County Commissioner
Precinct 4
Bexar County Courthouse

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PROGRAM DOCUMENT REPOSITORIES

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1-800-633-9363 (In Texas only)

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San Antonio Public Library

McCreless Branch Library

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